



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Applicant: Barry, et al.

Serial No.: 09/841,413

Art Unit: 3738

Filed: April 24, 2001

Examiner: Barrett

Title: Joint Repair Using Mesenchymal Stem Cells

Attorney

Docket No.: 640100-424

Customer No. 27162

#12
Notice of Appeal
S. Bryce
11/20/03

79
Do Not

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

RECEIVED
NOV 20 2003
TECHNOLOGY CENTER R3700

Applicant hereby appeals to the Board of Appeals from the decision dated June 4, 2003 of the Primary Examiner finally rejecting Claims 28-77.

The item(s) checked below are appropriate:

1. (x) A response to the final rejection has been filed.
2. (x) An extension of time to December 4, 2003 to respond to the final rejection of June 4, 2003, pursuant to Section 1.136(a) for a period of three (3) months with the following fee:

() One Month	() Small Entity \$ 55.00	() Other \$110.00
() Two Months	() Small Entity \$210.00	() Other \$420.00
(X) Three Months	(X) Small Entity \$475.00	() Other \$950.00

11/19/2003 AWONDAF1 00000103 09841413

01 FC:2401
02 FC:1253

165.00 OP
475.00 OP

3. (x) Appeal Fee:

(X) Small Entity \$165.00

() Other \$330.00

4. (x) TOTAL AMOUNT: \$440.00

(x) Enclosed

() Not Required

(x) Charge any deficiencies to Deposit Account No. 03-0678

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Raymond J. Lillie 11/13/03
Raymond J. Lillie, Esq. Date

Respectfully submitted,

Raymond J. Lillie
Raymond J. Lillie, Esq.
Reg. No. 31,778

CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Five Becker Farm Road
Roseland, New Jersey 07068
T: (973) 994-1700
F: (973) 994-1744

#201025 v1